

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2835 - SB 2696**

February 19, 2022

**SUMMARY OF BILL:** Creates the *Youth Health Protection Act* (Act), which bans certain medical practices from being performed on a minor to facilitate the minor's desire to present or appear in a manner that is inconsistent with the minor's biological sex.

Subjects a medical professional who engages in these practices, with certain specified exceptions, to revocation of licensure, other disciplinary action by their licensing authority, and a \$1,000 civil penalty per occurrence to be deposited in the General Fund. Prohibits organizations with licensing or disciplinary authorities from taking action against a member of that organization who provides or receives guidance consistent with their conscience or religious belief. Allows for a parent, guardian, or custodian to withhold consent for treatment and mental healthcare intended to treat a minor's gender dysphoria or gender nonconformity.

Prohibits an employee or agent of the state from withholding information regarding a minor from their parents if that information is of a sort that parents interested in and responsible for the well-being of the minor would reasonably demand and should be apprised of. Requires an employee or agent of the state who has knowledge that a minor, who is under the supervision of the state, has exhibited symptoms of gender dysphoria, nonconformity, or a desire to be treated in a manner incongruent with their sex, to notify in writing each of the minor's parents or guardians. Prohibits discrimination against a person who acts as a whistleblower of perceived violations of this Act.

Allows for civil actions for compensatory or special damages brought against a medical professional, healthcare entity, or other individual or entity that violates the Act. Prohibits the use of state or political subdivision funds to be used in the performance of gender transition procedures or to support the administration of a governmental health plan offering gender transition procedures.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 63-1-169, hormone treatment for gender dysphoric or gender incongruent minors in Tanner state 1 development is prohibited. The proposed

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legislation changes this prohibition to all minors through the completion of Tanner stage 5 development.

- Although the majority of the proposed legislation focuses on treatment of minors, Tenn. Code Ann. § 63-1-709 of the proposed act states that funds from the state must not be used for gender transition procedures, regardless of age.
- Any civil action brought against a medical professional, healthcare entity, or other individual or entity is assumed to be borne of a private party.
- There is assumed to be no significant increase in court proceedings, leading to no fiscal impact to the courts.
- Although there is a \$1,000 fine per occurrence for a medical professional carrying out activities that are banned in the proposed Act, the frequency of violations of this prohibition cannot be adequately estimated and is assumed to be minimal.
- The prohibition of using state funds on gender transition procedures would have no fiscal impact to the Division of TennCare or Benefits Administration, as they do not currently cover these procedures.

#### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/cd